

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

AZURE MANOR/RANCHO DE PAZ  
 HOMEOWNERS ASSOCIATION,

Plaintiff(s),

vs.

D.R. HORTON, INC.,

Defendant(s).

Case No. 2:14-cv-2222-JCM-NJK

ORDER

(Docket No. 20)

Pending before the Court is Plaintiff's motion to lift stay. Docket No. 20. On March 15, 2016, United States District Judge James C. Mahan stayed this case pending the completion of all NRS Chapter 40 pre-litigation requirements. Docket No. 19 at 6-8. The parties have not yet completed the Chapter 40 pre-litigation requirements. *See* Docket No. 20. Plaintiff submits that even so, the Court should lift the stay because Defendant "has improperly stalled [Plaintiff's] efforts to prosecute its claims." *Id.* at 7. The Nevada Supreme Court has stated that contractors should be prohibited from "utilizing [the relevant statute] as a shield for the purpose of delaying the commencement of repairs or legitimate litigation." *D.R. Horton, Inc. v. Eighth Judicial Dist. Court*, 168 P.3d 731, 741 (Nev. 2007). The Court is not persuaded that Defendant has done so.

Therefore, as the parties have not yet completed the Chapter 40 pre-litigation requirements, the Court hereby **DENIES** Plaintiff's motion to lift stay. Docket No. 20.

IT IS SO ORDERED.

DATED: December 2, 2016

  
 NANCY J. KOPPE  
 United States Magistrate Judge